GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy Reddy, Occ: U.D. Clerk, Eastern Naval Command, Visakhapatnam against the proceedings No.(M) Rc.No.7606/89/C5, dated 30.01.2009 of the District Collector, Visakhapatnam under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Appeal Petition dismissed – Orders -Issued.

SOCIAL WELFARE (TW.CV.2) DEPARTMENT

G.O.MS.No. 65 Dated: 18-05-2018
Read the following:

1. Proceedings of the District Collector, Visakhapatnam, No. (M) Rc.No.7606/89/C5, dated 30.01.2009.
2. Appeal Petition filed by Sri Erusu Kanaka Reddy, U.D.Clerk, Material Organization, Eastern Naval Command, VSP before the M(TW&RIAD) dated 07.03.2009.
3. Govt. Memo No.2572/CV.2/2009, dated 19.3.2009.
4. From the District Collector, Visakhapatnam, Lr.(M) Rc.No.735/2011/C5, dated 18.08.2015.
5. Govt. Memo No.2572/CV.2/2009, dt. 30.11.2016 & 11.07.2017.

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ORDER:

In the reference 1st read above, the District Collector, Visakhapatnam has issued orders cancelling ST-Konda Reddy caste certificate obtained from the then Mandal Revenue Officer, Chodavaram in the year 1973 by Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy.

2. In the reference 2nd read above, Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy Reddy, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Visakhapatnam. After examining the said Appeal Petition, Government have admitted the Appeal Petition and granted stay on the proceedings of the District Collector, Visakhapatnam and called for the parawise remarks and connected records from the District Collector, Visakhapatnam in the reference 3rd read above.

3. In the reference 4th read above, the District Collector, Visakhapatnam has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy Reddy.

4. The said Appeal Petition has been posted for hearing on 24.12.2016 & 05.08.2017 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 5th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. The appellant have attended for the hearing scheduled on 05.08.2017 and argued his case.

5. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by the District Collector, Visakhapatnam and proceedings of the District Collector, Visakhapatnam dated 30.01.2009 the Appellate Authority is observed that :

I. The appellant in his grounds has stated that the District Level Scrutiny Committee has not considered the factual matters in its finding as the affidavit of the Panchayat President and Member were not considered by them and only reliance was placed is on the death certificate and the application made by him for issuance of caste certificate to the MRO. Further, the Committee has not followed the procedure contemplated under law as per the provisions of the A.P. (SC, ST and BCs) Regulation is issue of Community Certificates Act, 1993 and the Rules made there under.

II. The District Level Scrutiny Committee has observed that the appellant has stated that his father belongs to ST-Konda Reddy community, based on his father's community, the appellant has obtained ST-Konda Reddy caste certificate, completed his education and got Govt. Job under ST category. Based on the complaint of the Administrative Department, the Mandal Revenue Officer, Chodavaram has reported that the said caste certificate have been issued to Sri Erusu Kanaka Reddy is a Fake one and the signature of the Tahsildar, who worked during June, 1973 does not tally with the signature on the certificate and no person by name Sri B. Prasad worked as Tahsildar, Chodavaram during the above period. The Tahsildar has further stated that, the seal

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affixed on the certificate is also fake. As the certificate has not been issued by any Revenue Authority and it was a fake certificate. The appellant failed to totally to adduce documentary in support of his contention that his father belong a member of Tribal Community and the said community people accepted by him as a Tribe as per G.O.Ms.No.371 Employment and Social Welfare (B2) Department dated 13.04.1976. Further, the appellant has not produced any relatives community certificates before the DLSC at any point of enquiry. Finally, based on the DLSC findings, the District Collector, Visakhapatnam has cancelled the appellant's ST-Konda Reddy caste certificate.

III. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

IV. The Appellate Authority is observed that during the course of hearing of the case that the appellant submitted his arguments as per his grounds in appeal petition and stated that the lower authority failed to consider the affidavits of Panchayat president and member and if the same were considered that it substantiate his contention that he belongs to ST Konda Reddy Community. On verification of the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that except the above contention nothing was placed for appreciation of the case of the appellant and he failed to produce any evidence that he and his father belongs to ST community and more over the certificate said to have been issued to the appellant is fake one. That as per the act that the burden of proof lies on the appellant i.e. it is the responsibility of the appellant to produce necessary evidence and documents to claim the same. In the instant case that the appellant except relaying the evidence filed before the lower authority failed to produce any additional material more particularly the evidence of his caste for re-appreciation of the case on hand. As seen from the record the lower authority passed the order after reasonable appreciating the evidence available on record as per law which deserves no interference. Hence it is apparent that the appeal is devoid of any merits and there is no infirmity either in the findings of the DLSC or the learned District Collector, Visakhapatnam District. That taking consideration of the above and the material available on the record that it can be concluded that the lower authority passed the order as per law which does not deserve any interference.

6. In view of the several reasons recorded in the paras supra, the Government, in exercise of the powers conferred under Section 7(2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), decide that the appeal petition filed by Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy Reddy, does not deserve any interference. Hence, Proceedings of the District Collector, Visakhapatnam issued (M) Rc.No.7606/89/C5, dated 30.01.2009, is hereby upheld and the Appeal Petition filed by Sri Erusu Kanaka Reddy, S/o Erusu Venkata Swamy Reddy, is hereby dismissed and the Certificate issued by the then Mandal Revenue Officer, Chodavaram is deemed to be cancelled.

7. The District Collector, Visakhapatnam is directed to take necessary consequential action in the matter.

8. The records (containing (M) Rc.No.7606/89/C5, pages: 1-412) received from the District Collector, Visakhapatnam through in the reference 4th read above, are returned herewith in original to the District Collector, Visakhapatnam and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

S.S. RAWAT
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Visakhapatnam. (BY RPAD)
(with original records).

Sri Erusu Kanaka Reddy, U.D.C.,
E.D.P., No.1353, CTS Department,
Material Organistion, Eastern Naval Command,
Visakhapatnam.

[Contd..on P.3]

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The Chief Administrative Officer,
Eastern Naval Command,
Naval Base, Visakhapatnam.

Copy to :

The Director, TCR& TI, AP, Amaravathi.
The PS to M(SWE& TWE).
The PS to Principal Secretary(SW&TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER